

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

VICTOR JIMINEZ-CAMPUZANO)	CASE NO. 8:06CV17
)	
Plaintiff,)	
)	
vs.)	ORDER OF DISMISSAL
)	
BETTCHER INDUSTRIES, INC., a)	
Delaware Corporation, and John)	
Does I-X)	
)	
Defendants.)	

This matter is before the Court on its own motion.

On July 27, 2004, the Plaintiff brought an action against the Defendants Bettcher Industries, Inc., and John Does I-X, raising the same claims against them in that case that he raises against them in this case. (*Compare* Complaint in Case No. 8:04-cv-345 *with* Complaint at Filing No. 1). On September 22, 2005, Bettcher moved for summary judgment in the first action. The Plaintiff was granted three extensions of time, allowing the Plaintiff more than four months to respond to Bettcher's motion. Instead of responding to the summary judgment motion, on January 24, 2006, Jiminez-Campuzano's counsel filed a motion to dismiss Bettcher, without prejudice, noting that she had filed this separate action against Bettcher to facilitate her desire for continued discovery. In this Court's Memorandum and Order dated January 31, 2006, Bettcher was granted summary judgment on the merits of its defenses. (Case No. 8:04-cv-345, Filing No. 131). For the same reasons stated in that Memorandum and Order, this action will be dismissed, with prejudice. The January 31, 2006, Memorandum and Order is attached to this Order and incorporated herein by this reference.

Plaintiff's counsel is cautioned with respect to her noncompliance with the local rules of this Court. Specifically, her filing of the Complaint in this action violated the provisions of NEGenR 1.4(a)(4), which violation may result in sanctions on counsel and parties.

IT IS ORDERED:

1. The Plaintiff's Complaint is dismissed with prejudice; and
2. The Plaintiff Victor Jiminez-Campuzano shall bear his own costs.

Dated this 31st day of January, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge